

CITY OF ALBUQUERQUE

Office of the Mayor/Chief Administrative Officer



Richard J. Berry, Mayor

December 16, 2011

Ms. Darlene Whitten-Hill
Water Enforcement Branch (6EN-WC)
EPA, Region 6
1445 Ross Avenue Suite 1200
Dallas, TX 75202-2733

Re: Administrative Order, Docket Number: CWA-06-2011-1901
NPDES MS4 Permit Number: NMS000101

Dear Ms. Whitten-Hill,

The City of Albuquerque (COA) is in receipt of the above referenced Administrative Order (AO). This is an initial response letter and our full response detailing the City's Permit compliance for each finding is being prepared for transmittal to EPA by January 25, 2012. The City has worked diligently on our MS4 permit with our partners UNM, NMDOT, and AMAFCA since the inception of our original 5-year permit in 2003 to further improve the quality of stormwater runoff to the Rio Grande.

The AO provides a number of Administrative findings that are in direct contrast to our 2007 EPA audit finding that stated, "the stormwater program developed by the COA, AMAFCA, NMDOT and UNM was adequate and implemented in accordance with the permit." We are surprised that the EPA's assessment of our permit compliance has changed so significantly because we have continued to improve our regions stormwater quality program every year since 2007 through additional educational efforts, infrastructure construction, and monitoring.

Most recently the City and its three co-permittees have spent over \$3 million in the implementation of a state-of-the-art stormwater monitoring program, which is conducted by highly trained, impartial water quality professionals of the United States Geological Survey (USGS). This monitoring program has indicated complete compliance with the TMDL goals as calculated in the approved methodology of our MS4 permit. Monitoring has also indicated that there were no increases in heavy metals, oil, or other "pollutants of concern" as shown in our accumulated Data Management Reports since early 2000s. This indicates that there has been no degradation in stormwater quality over the life of our permit.

In summary, the City believes that it has complied with the provisions of our existing SWMP and MS4 permit to the Maximum Extent Practicable. After receiving a rating of acceptable from the EPA in 2007, we have continued to improve our program. The City of Albuquerque is committed to continuing to work with our MS4 partners and the EPA to improve our stormwater discharges to the unique and natural resource of the Rio Grande.

Ms. Darlene Whitten-Hill
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December 16, 2011
Page 2

I have directed my staff to provide a detailed response to each finding stated in the Order by the end of the 90-day period ending on January 25, 2012. We would like to meet with you in person to review this effort of compliance. My staff will be contacting your office to schedule a meeting in Dallas at your earliest convenience, but no later than January 25. ~~Thank you for your time and consideration on this matter.~~

Best Regards,



Robert J. Perry
Chief Administrative Officer

cc: Michael J. Riordan, P.E.; Director Municipal Development Department
Melissa Lozoya, P.E.; Engineering Division Manager
James Bearzi, Bureau Chief, NMED
Vern Hershberger, Environmental Health and Safety, UNM
Jerry Lovato, P.E.; Executive Engineer, AMAFCA
Timothy R. Trujillo, P.E.; Manager, Storm Water Programs, NMDOT